

IN THE SUPERIOR COURT
FOR THE DISTRICT OF COLUMBIA
Civil Division

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JOHN MEDLIN, FRANCES :
MEDLIN

Plaintiffs :
vs. : No. 2009 CA 008958 A

CLEVER BROOKS BOILERS, :
ET AL.

Defendants :
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August 18, 2001
Bethesda, Maryland

DEPOSITION OF:

DARELL BEVIS

was called for examination by counsel for the
Defendant 3M, pursuant to notice, taken at Brown &
Gould, 7316 Wisconsin Avenue, Suite 200, Bethesda,
Maryland, commencing at 9:38 a.m., before Misty
Klapper, a Notary Public in and for the State of
Maryland, when were present on behalf of the
respective parties:

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Exhibit 3

1 Q. Well, I thought we agreed that you had
 2 promoted Bevis Respirator Consultants as being very
 3 successful with a win/loss record.

4 A. Absolutely. Most of our -- I consider a
 5 settlement, no trial, whether there's a depo or not, I
 6 consider that. If we are paid -- if the plaintiff is
 7 paid a satisfactory sum of money, I consider that a
 8 win, a settlement.

9 Q. Excuse me, how do you know whether the
 10 plaintiff is paid a satisfactory amount of money?

11 A. Typically I communicate with my attorneys
 12 who will say we're very happy with the settlement.
 13 No, they didn't break your agreement and say gee, we
 14 got a million-and-a-half, simply we're very satisfied,
 15 we're very happy with the settlement.

16 Q. What else at Bevis Respirator Consultants
 17 constitutes a win?

18 A. A win is adequate settlement. A win is
 19 an actual win in the courtroom. And based on the
 20 number of cases that I have -- that I have done, we --
 21 we go to court on maybe two percent. And we've been
 22 very, very successful with those. We lose very few of

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1 have files on those cases any more.

2 Q. Okay. Any other trials in which you've
 3 testified in which 3M was a party, other than Dwight
 4 Parker in 2007?

5 A. You know, I don't recall and I couldn't
 6 name a specific, so let's say I simply don't recall.

7 Q. And it's your testimony that there was
 8 some jury verdict reached in these cases in 1980 in
 9 which 3M was a party in which Ms. Dwight --

10 A. To the best of my recollection, yes.

11 Q. Do you think you could be wrong?

12 A. It's possible, certainly.

13 Q. Do you view yourself as being part of a
 14 winning team?

15 A. I consider myself to be a very good
 16 expert, a very fair expert and I can present data to
 17 support my contentions.

18 Q. But I gather since you keep track of your
 19 wins and losses, you consider it important to be
 20 winning?

21 A. Absolutely.

22 Q. And you consider your role in the case to

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1 them.

2 Q. How many cases have you testified at
 3 trial in which you were providing testimony in a case
 4 in which 3M was a party at trial?

5 A. Over my career, I -- I can't tell you how
 6 many cases. I do know that there was a group down in
 7 Texas. Diane Dwight handled those cases. And we had
 8 a couple of trials. We won both of those. They were
 9 against 3M, by the way. We won both of those and then
 10 settlements occurred on most of the rest, satisfactory
 11 according to Diane.

12 Q. So you testified twice in Texas in which
 13 3M was a party?

14 A. Oh, yeah. All of my first cases were --
 15 were 3M cases.

16 Q. And when would that have been, sir?

17 A. That was starting in the '80s.

18 Q. And so your testimony is that you
 19 testified in the 1980s, I believe, at trial in a case
 20 or cases in which 3M was a party?

21 A. To the best of my recollection, yes.

22 Again, that's a lot of years back and I don't even

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1 help the plaintiff win?

2 A. Absolutely.

3 Q. Is there a code of ethics published by
 4 the American Industrial Hygiene Association?

5 A. Yes, there is.

6 Q. Do you follow that code?

7 A. I believe I do.

8 Q. Do you know whether or not the code of
 9 ethics published by the American Industrial Hygiene
 10 Association incorporates the concept of winning?

11 A. You know, I don't -- I don't recall.

12 It's been a long time since I've read the code. I was
 13 a full member of AIHA for thirty -- thirty-five or
 14 forty years. I can give you the exact on that.

15 Q. You're familiar with work done by OSHA to
 16 develop an assigned protection factor for respirators?

17 A. Absolutely.

18 Q. That resulted in a publication of a
 19 standard or regulation in 2006?

20 A. Yes.

21 Q. How were you involved?

22 A. Well, through telephone conversations

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